

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 9783 of 2006(M)

PETITIONER:

1. THE BOARD OF DIRECTORS OF THE CHALAKUDY
URBAN CO-OPERATIVE BANK LTD.NO.R.1087,
CHALAKUDY P.O., REP. BY ITS PRESIDENT.
2. THE CHALAKUDY URBAN CO-OPERATIVE BANK
LTD. NO.R.1087, CHALAKUDY P.O., REP. BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOCHANAN
SMT.RESMI G. NAIR

RESPONDENTS:

THE KERALA STATE BEVERAGES
(MANUFACTURING AND MARKETING) CORPORATION LTD.,
SASTHAMANGALAM, THIRUVANANTHAPURAM, REP. BY ITS
MANAGING DIRECTOR.

BY ADV. SRI.K.P.DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF LETTER DATED 28.2.2004 FROM THE RESPONDENTS

EXT.P2-TRUE COPY OF THE LETTER DATED 16.3.2004 FROM THE BANK TO THE RESPONDENT CORPORATION

EXT.P3-TRUE COPY OF LETTER DATED 25.6.2004 FROM THE RESPONDENT TO THE PETITIONER BANK

EXT.P4-TRUE COPY OF LETTER DATED 1.7.2004 TO THE RESPONDENT CORPORATION

EXT.P5-TRUE COPY OF COMMUNICATION DATED 17.12.2004 OF THE PETITIONER TO THE RESPONDENTS

EXT.P6-TRUE COPY OF COMMUNICATION DATED 22.12.2004 FROM THE RESPONDENTS

EXT.P7-TRUE COPY OF COMMUNICATION DATED 23.5.2005 FROM THE ASST. MANAGER OF THE RESPONDENT CORPORATION TO THE PETITIONER BANK

EXT.P8=TRUE COPY OF COMMUNICATION DATED 4./3/2006 OF THE PETITIONER BANK TO HDFC BANK LTED

EXT.P9-TRUE COPY OF COMMUNICATION DATED 7.3.2006 ADDRESSED TO THE RESPONDENT CORPORATION

EXT.P10-TRUE COPY OF COMMUNICATION DATED 18.3.2006 FROM THE PETITIONER TO THE RESPONDENT CORPORATION

EXT.P11-TRUE COPY OF THE UNDERSTANDING OBTAINED FROM THE PRESIDENT OF THE BANK IN STAMP PAPER UNDER THREAT AND COERCION

RESPONDENTS' EXTs:

EXT.R1-TRUE COPY OF LETTER DATED 24.4.2006 ISSUED BY THE RBI TO RESPONDENTS

EXT.R1(1) TRUE COPY OF MEMORANDUM DATED 26.4.2004 SUBMITTED BY THE PETITIONER BANK TO THE HONOURABLE MINISTER FOR EXCISE AND FISHERIES, GOVT. OF KERALA

EXT.R1(2)-TRUE COPY OF LETTER DATED 26.6.2004 ISSUED BY THE PETITIONER TO THE RESPONDENTS

EXT.R1(3)-- DO . DATED 3.7.2004

EXT.R1(4)- DO. DATED 6.7.2004

EXT.R1(5)- DO. DATED 15.7.2004

EXT.R1(6)- DO. DATED 17.12.2004 ISSUED BY ONE OF THE DIRECTORS OF THE PETITIONER BANK TO THE RESPONDENTS

EXT.R1(7)(A)- TRUE COPY OF STATEMENT DATED 2.4.2005 ISSUED BY THE ABNK TO THE RESPONDENTS

EXT.R1(7)(B) TO (D)- DO. DATED 2.4.2005

EXT.R1(7)(E)- DO. DATED 6.4.2005 ISSUED BY DO.

EXT.R1(7)(F)- DO. DATED do.

EXT.R1(8)- TRUE COPY OF THE INTIMATION DATED 18.3.2006 SENT BY HDFC BANK LIMITED TO THIS RESPONDENT.

EXT.R1(9)- DO. DO.

T.R. Ramachandran Nair, J.

W.P.(C).NO.9783 of 2006-M

Dated this the 2nd day of February, 2007

JUDGMENT

The petitioners have filed the writ petition seeking various reliefs against the respondent Corporation. On 31.3.2006 while admitting the writ petition, it has been ordered that no action shall be taken against the petitioners without due process of law.

2. I heard Shri P.K. Vijayamohanan, learned counsel for the petitioners and learned Senior Advocate Shri K.P. Dandapani for the respondent Corporation. A detailed counter affidavit has been filed traversing the contentions in the writ petition. Therein it is contended that the writ petition itself is not maintainable.

3. The petitioners' counsel submitted that the controversies between the parties are now pending in various forums. There is a criminal case pending before the Chief Judicial Magistrate's Court, Thiruvananthapuram as CrI.M.P. No.4066/2006 and A.R.C.No.60/2006 is pending before the Registrar of Co-operative Societies, Thiruvananthapuram. It is therefore submitted that the writ petition can be closed maintaining the interim order. It is submitted on behalf of the respondent Corporation that the Corporation

has filed CrI.M.P.No.4066/2006 before the Chief Judicial Magistrate's Court, Thiruvananthapuram and A.R.C.No.60/2006 before the Registrar of Co-operative Societies which are remedies available under law.

4. In view of the fact that the parties have already approached various forums to settle the controversy between them, it is unnecessary for this Court at this stage to go into the merits of the matter.

Therefore, with the observation that no action shall be taken against the petitioners without due process of law, this writ petition is closed.

(T.R. Ramachandran Nair, Judge.)

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